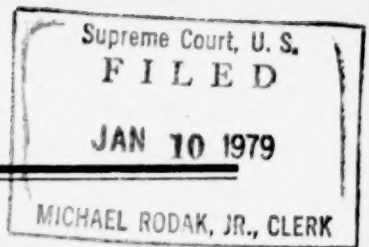


No. 78-863



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**In the Supreme Court of the United States**

OCTOBER TERM, 1978

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TRIPLE A MACHINE SHOP and MISSION EQUITIES  
INSURANCE GROUP, PETITIONERS

*v.*

DIRECTOR, OFFICE OF WORKERS' COMPENSATION  
PROGRAMS, UNITED STATES DEPARTMENT  
OF LABOR, and OCTAVIO CORDERO

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*ON PETITION FOR A WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR  
THE NINTH CIRCUIT*

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**MEMORANDUM FOR THE FEDERAL RESPONDENT  
IN OPPOSITION**

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WADE H. MCCREE, JR.  
*Solicitor General  
Department of Justice  
Washington, D.C. 20530*

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The judgment of the court of appeals in this case was entered on August 29, 1978 (Pet. 2; Pet. App. C). Petitioners did not seek rehearing in the court of appeals and did not obtain an extension of time within which to file a petition for certiorari. The time provided by 28 U.S.C. 2101(c) within which

to file a petition for certiorari therefore expired on November 27, 1978. The petition was not filed until November 29, 1978. The time limit provided by Section 2101(c) is jurisdictional. *Department of Banking v. Pink*, 317 U.S. 264 (1942). It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

WADE H. MCCREE, JR.  
*Solicitor General*

JANUARY 1979